

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PACER FEE EXEMPTIONS)	
)	
)	Misc. No. 09-239
BRENT JOHNSON,)	
Movant.)	

ORDER

This matter is before the Court upon the application and request by Brent Johnson (“Johnson”) for exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts (ECF No. 44).

This Court finds that Johnson falls within the class of users listed in the fee schedule as being eligible for a fee exemption because he is requesting this exemption for the sole purpose of performing research for an individual researcher associated with an educational institution. Additionally, Johnson demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

Accordingly, Johnson shall be exempt from the payment of fees for access via the Public Access to Court Electronic Records system (the “PACER System”) to the electronic case files maintained by this Court, to the extent such use is incurred in the course of the defined academic research project described in the Application for Multi-Court Exemption from the Judicial Conference’s Electronic Public Access Fees in the United States District Court for the Western District of Pennsylvania, (the “Application”)

(ECF No. 44). The Court finds that the research project described in the Application is intended for scholarly research and is limited in scope. Johnson shall not be exempt from the payment of fees incurred in connection with other uses of the PACER System in this Court, including, specifically, assisting professors at Widener University with research projects other than the one described in the Application. Additionally, the following limitations apply:

- 1) This fee exemption applies only to Johnson and is valid only for the one academic research project described in the Application;
- 2) This fee exemption applies only to the electronic case files of this Court that are available through the PACER System;
- 3) By accepting this exemption, Johnson agrees not to sell for profit any data obtained as a result of receiving this exemption, nor to allow any third party to do so;
- 4) Johnson, and any third party for whom Johnson obtains data, is prohibited from transferring any data obtained as a result of receiving this exemption, including redistribution via Internet-based databases. This prohibition does not prevent Johnson, or any third party for whom Johnson obtains data, from relying upon the data obtained as a result of receiving this exemption in or in connection with the one scholarly project described in the Application;
- 5) This exemption is valid until July 31, 2021.

This exemption may be revoked at the discretion of the Court at any time. The Clerk of Court of the United States District Court for the Western District of Pennsylvania, or his designee, may periodically review the usage of Johnson's exempt PACER System account during the term of this exemption.

Dated: August 14, 2020

BY THE COURT:

/s/ Mark R. Hornak

Mark R. Hornak

Chief United States District Judge

cc: PACER Service Center *(via email)*
Administrative Office of the United States Courts,
Multi-Court Exemptions Office *(via email)*
Brent Johnson *(via email)*